

HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

BERNADEAN RITTMANN, FREDDIE  
CARROLL, JULIA WEHMEYER, and RAEF  
LAWSON individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., and AMAZON  
LOGISTICS, INC.,

Defendants.

No. 2:16-cv-01554-JCC

DECLARATION OF CURTIS HOLSTEIN  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR NOTICE TO BE ISSUED  
TO SIMILARLY SITUATED  
EMPLOYEES PURSUANT TO 29 U.S.C.  
§ 216(b)

ORAL ARGUMENT REQUESTED

NOTE ON MOTION CALENDAR:  
JANUARY 20, 2017

DECLARATION OF CURTIS HOLSTEIN  
NO. 2:16-CV-01554-JCC

MORGAN, LEWIS & BOCKIUS LLP  
502 CARNEGIE CENTER  
PRINCETON, N.J. 08540  
+1.609.919.6600

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6

7. When I decided to sign-up to participate in the Amazon Flex program, I purchased an Android smartphone because the Amazon application at that time was only supported by Android and I was an iPhone user.

1           8.       When I signed up for the program, I was presented with the terms of the program,  
2 and even though I do not recall every detail in the terms of the program at that time, I was aware  
3 that any disputes had to be pursued in arbitration—not in court.

4           9.       A few months ago, Amazon sent me updated terms of the program, in which I  
5 saw a statement about my right to opt-out of arbitration if I wanted to. I did not opt-out of  
6 arbitration.

7           10.      Amazon did not provide me any substantive training before making deliveries.  
8 On my first day, one of the Amazon managers at the warehouse spent a few minutes showing me  
9 and others where the scanners were and where the packages were. This took approximately 5  
10 minutes and then I was on my way delivering packages. No one showed me how to load  
11 deliveries into my car.  
12

13           11.      I pick up packages from the warehouse located at 3650 E. Post Rd., Las Vegas.  
14

15           12.      I typically make deliveries using my 2005 Toyota Highlander. I also own a pick-  
16 up truck. On a handful of times, I used my pick-up truck for deliveries. But I prefer to use the  
17 Toyota Highlander because the gas mileage is much better. Amazon has never told me that I  
18 have to drive any specific type or size car for deliveries; it is entirely up to me.

19           13.      To assist with large deliveries, I purchased a foldable cart that fits behind the seat  
20 in my car. For example, since my delivery operation services people in the desert, it is not  
21 uncommon for one customer to order multiple cases of water for delivery. Once, I delivered 26  
22 cases of water to a customer. Amazon did not require me to purchase or use the cart. That was  
23 my decision.  
24

1           14.     When I am making deliveries, I do not wear any Amazon apparel and do not put  
2 any Amazon decals on my vehicle.

3           15.     Amazon provides a suggested route for deliveries. I am not required to use the  
4 suggested route. While the route is usually good and the most efficient, sometimes I stray and  
5 rely on my local knowledge of the roads to make my own route so I can be more efficient and  
6 avoid areas with heavy traffic patterns. Likewise, when I am delivering packages on my last  
7 block for the day, I sometimes create a route that saves a delivery for last if I notice it is close to  
8 or on my way home.

9  
10          16.     When making deliveries, I do not have any contact with the warehouse. They do  
11 not contact me and I do not contact them. If I feel the need to communicate with Amazon while  
12 making deliveries, I call a 1-800 number where I can reach support personnel.

13  
14          17.     Last summer I delivered packages for approximately 30 to 35 hours per week.  
15 More recently, however, I am only able to pick up enough blocks to deliver packages for about  
16 20 hours per week.

17          18.     I estimate that I made just under 2,900 deliveries representing approximately  
18 9,000 packages in 2016.

19          19.     I use an app called SherpaShare to help manage and track my driving operation,  
20 including the number of miles I drive each day. I keep a second electronic log of the miles I  
21 drive, the number of packages I deliver, the hours and days I deliver packages, and more. These  
22 methods will help me account for accurate tax deductions for my operation when I file taxes.  
23  
24  
25

1           20.     Starting in November 2016, I took off six weeks, recently resuming my delivery  
2 operations. I did not have to get approval to take a six-week break or even tell anyone at  
3 Amazon that I was not going to be delivering packages during this time.

4           21.     I understand that this declaration is being provided in connection with a lawsuit  
5 brought against Amazon by current and/or former DPs who claim that Amazon should have  
6 classified them as employees and paid them minimum wage and overtime. I understand that the  
7 plaintiffs are seeking to represent current and former DPs, including me, in the lawsuit. I  
8 understand that I may be invited to join the lawsuit, and I could be eligible to participate. What I  
9 understand that I may be invited to join the lawsuit, and I could be eligible to participate. What I  
10 say in this declaration is the truth. I also understand that the lawyer(s) who interviewed me and  
11 prepared this declaration for me represents Amazon and does not represent me.

12           22.     I am providing this statement voluntarily and without any duress, threats,  
13 intimidation or coercion. I understand that I did not have to give this declaration, can provide or  
14 refuse to provide a declaration or testimony, and know that giving information in this declaration  
15 is not a condition of my contract with Amazon. I attest to the information in this declaration  
16 voluntarily and of my own free will.

17           I declare under penalty of perjury of the laws of the United States that the foregoing is  
18 true and correct to the best of my knowledge, information, and belief.  
19  
20

21           Executed on January 5<sup>TH</sup>, 2017 in Henderson, Nevada.

22  
23  
24             
Curtis Holstein